

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Rutherford & Gallman,)	
)	
Plaintiff,)	Case No. 18-cv-10706-AEK
)	
v.)	Hon. Andrew E. Krause
)	United States Magistrate Judge
City of Mt. Vernon, <i>et al.</i> ,)	
)	JURY TRIAL DEMANDED
Defendants.)	

DECLARATION OF HEATHER LEWIS DONNELL

HEATHER LEWIS DONNELL, an attorney admitted to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York, hereby declares, under penalty of perjury and pursuant to 28 U.S.C. §1746:

1. I am a member of the Loevy & Loevy Law Firm, attorneys for Plaintiffs Rayvon Rutherford and Reginald Gallman ("Plaintiffs") in the above-captioned action.
2. I submit this declaration in support of Plaintiff's response in opposition to Defendants' Partial Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56. Doc. 177.
3. Attached hereto as **Exhibit 1** is the deposition of Rayvon Rutherford, taken April 1, 2022.
4. Attached hereto as **Exhibit 2** is the deposition of Reginald Gallman, taken May 17, 2022.
5. Attached hereto as **Exhibit 3** is the deposition of Reginald Gallman, taken December 12, 2019.

6. Attached hereto as **Exhibit 4** is Plaintiffs' original complaint dated November 4, 2018 (doc. 3).

7. Attached hereto as **Exhibit 5** is Plaintiffs' amended complaint dated February 5, 2019 (doc. 21).

8. Attached hereto as **Exhibit 6** is Plaintiffs' second amended complaint dated March 23, 2021 (doc. 112).

9. Attached hereto as **Exhibit 7** is the deposition of Sean Fegan, taken January 11, 2022, *Seward v. City of Mount Vernon, et al.*, No. 7:20-cv-039251 (S.D. N.Y.).

10. Attached hereto as **Exhibit 8** is the deposition of Camilo Antonini, taken January 3, 2022, in *Seward v. City of Mount Vernon, et al.*, No. 7:20-cv-039251 (S.D. N.Y.).

11. Attached hereto as **Exhibit 9** is the deposition of Robert Puff, taken January 13, 2022, *Seward v. City of Mount Vernon, et al.*, No. 7:20-cv-039251 (S.D. N.Y.).

12. Attached hereto **Exhibit 10** is the deposition of Joseph Valente, taken February 11, 2022.

13. Attached hereto as **Exhibit 11** is the deposition of Brianna Mecca, taken March 15, 2022.

14. Attached hereto **Exhibit 12** is the deposition of Peter Vitelli, taken March 22, 2022.

15. Attached hereto **Exhibit 13** is the deposition of Michelle Campbell, taken May 19, 2022.

16. Attached hereto **Exhibit 14** is the copy of the search warrant video that was executed on March 23, 2017, produced in discovery as Video 00054.

17. Attached hereto as **Exhibit 15** is a copy of the March 31, 2017, Mount Vernon Police Department Incident Report #109417 concerning the execution of the search warrant at issue.

18. Attached hereto as **Exhibit 16** is the deposition of Sean Fegan, taken March 24, 2022.
19. Attached hereto as **Exhibit 17** is the deposition of Robert Puff, taken March 12, 2022.
20. Attached hereto as **Exhibit 18** is the Felony Hearing transcript of Peter Vitelli, taken April 6, 2017.
21. Attached hereto **Exhibit 19** is the copy of Reginald Gallman strip search that was executed on March 23, 2017, produced in discovery as Video 00055.
22. Attached hereto is **Exhibit 20** is Plaintiff's police practices expert, Mr. Craig Miller's report disclosed on May 30, 2022.
23. Attached hereto as **Exhibit 21** is the deposition of Craig Miller, taken July 7, 2022.
24. Attached hereto as **Exhibit 22** is Defendants' Discovery Responses to Plaintiff's Requests for Production, No. 21, 22, 27.
25. Attached hereto is **Exhibit 23** is Plaintiff's police practices expert, Mr. Craig Miller's Attachment B to his report.
26. Attached hereto as **Exhibit 24** is Defendants' Response to Plaintiffs' Requests for Production for *Monell* Discovery.
27. Attached hereto is **Exhibit 25** is Plaintiff's police practices expert, Mr. Craig Miller's Attachment A to his report.
28. Attached hereto as **Exhibit 26** is the deposition of Roy Hastings, taken May 9, 2022 pursuant to Federal Rule of Civil Procedure 30(b)(6).
29. Attached hereto as **Exhibit 27** is a copy of the letter from District Attorney Miriam Roach's letter to Commissioner Glenn Scott, dated March 17, 2021.
30. Attached hereto as **Exhibit 28** is the deposition of Glenn Scott, taken May 6,

2022.

31. Attached hereto as **Exhibit 29** is the Department of Justice Public Affairs Press Release dated December 3, 2021.

32. Attached hereto as **Exhibit 30** are records of the investigation and resolution of a civilian complaint No. 07-33 produced in discovery with Bates Nos. MV 7070-7091

33. Attached hereto as **Exhibit 31** are records of the investigation and resolution of a civilian complaint No. 13-12, produced in discovery with Bates Nos. MV 0303-0321.

34. Attached hereto as **Exhibit 32** are records of the investigation and resolution of a civilian complaint No. 13-16, produced in discovery with Bates Nos. MV 0323-0342.

35. Attached hereto as **Exhibit 33** are records of the investigation and resolution of a civilian complaint No. 14-09, produced in discovery with Bates Nos. MV 9689-9954

36. Attached hereto as **Exhibit 34** are records of the investigation and resolution of a civilian complaint No. IA 20-10, produced in discovery with Bates Nos. MV 0795-0799.

37. Attached hereto as **Exhibit 35** are records of the investigation and resolution of a civilian complaint No. 14-51, produced in discovery with Bates Nos. MV 8798-8825.

38. Attached hereto as **Exhibit 36** are records of the investigation and resolution of a civilian complaint No. 15-01, produced in discovery with Bates Nos. MV 7372-7471.

39. Attached hereto as **Exhibit 37** are records of the investigation and resolution of a civilian complaint No. 15-32, produced in discovery with Bates Nos. MV 9045-9070.

40. Attached hereto as **Exhibit 38** are records of the investigation and resolution of a civilian complaint No. 14-46, produced in discovery with Bates Nos. MV 9598-9686.

41. Attached hereto as **Exhibit 39** are records of the investigation and resolution of a civilian complaint No. 15-05, produced in discovery with Bates Nos. MV 2549.

42. Attached hereto as **Exhibit 40** are records of the investigation and resolution of a

civilian complaint No. 15-42, produced in discovery with Bates Nos. MV 09795-09798, 07504-07507

43. Attached hereto as **Exhibit 41** are records of the investigation and resolution of a civilian complaint No. 15-41, produced in discovery with Bates Nos. MV 9799-9816, 1168-1183.

44. Attached hereto as **Exhibit 42** are records of the investigation and resolution of a civilian complaint No. 11-23, produced in discovery with Bates No. MV 9570-9575.

45. Attached hereto as **Exhibit 43** are records of the investigation and resolution of a civilian complaint No. 14-33, produced in discovery with Bates Nos. MV 8127-8169.

46. Attached hereto as **Exhibit 44** are records of the investigation and resolution of a civilian complaint No. 17-11, produced in discovery with Bates Nos. MV 1411-1433.

47. Attached hereto as **Exhibit 45** is a copy of the Defendants' Limited Disclosures produced in *Seward v. City of Mount Vernon, et al.*, No. 7:20-cv-039251 (S.D. N.Y.).

48. Attached hereto as **Exhibit 46** is a copy of the training records of Camilo Antonini

49. Attached hereto as **Exhibit 47** is a copy of the training records of Robert Puff

50. Attached hereto as **Exhibit 48** is a copy of the training records of Sean Fegan

51. Attached hereto as **Exhibit 49** is a copy of the training records of Joseph Valente

52. Attached hereto as **Exhibit 50** is a copy of the training records of Brianna Mecca.

53. Attached hereto as **Exhibit 51** is a copy of the training records of Peter Vitelli

54. Attached hereto as **Exhibit 52** is a redacted copy of the affidavit of Det.

Camilo Antonini, sworn to March 23, 2017, in support of an application of a search warrant for Apartments SE and 5D at 145 South First Avenue, Mount Vernon, New York, and Reginald Gallman aka "Noble" (the "Search Warrant Affidavit").

55. Attached hereto as **Exhibit 53** is an unredacted copy of the Search Warrant

Affidavit. (Filed Under Seal).

56. Attached hereto as Exhibit **54** is a copy of the Search Warrant Order signed by the Hon. Nichelle Johnson, Mount Vernon City Court Judge, on March 23, 2017.

57. Attached hereto **Exhibit 55** is the copy of the "Building Surveillance Video" that was taken on March 23, 2017, produced in discovery as IMG_1762.

58. Attached hereto as **Exhibit 56** is a copy of Procedure 3.045 of the Operational Procedures of the Mount Vernon Police Department.

59. Attached hereto as **Exhibit 57** is a copy of the crime report for MV-01358-17.

60. Attached hereto as **Exhibit 58** is the copy of the Detective Division Memorandum issued on February 17, 2015.

61. Attached hereto as **Exhibit 59** is a copy of Procedure 16.00 of the Detective Division Operational Procedures of the Mount Vernon Police Department.

62. Attached hereto **Exhibit 60** is the copy of the Robert Roberts strip search that was executed on March 23, 2017, produced in discovery as Video 00056. (Filed under seal).

63. Attached hereto as **Exhibit 61** are copies of felony complaints against plaintiff Rutherford and plaintiff Gallman, charging them (and others not relevant here) with criminal possession of a controlled substance, third degree, N.Y. Penal Law §216.20(1).

64. Attached hereto as **Exhibit 62** is the deposition of Camilo Antonini, taken March 14, 2022.

65. Attached hereto as **Exhibit 63** are records of the investigation and resolution of a civilian complaint No. 14-04, produced in discovery with Bates Nos. MV 1958-1981.

WHEREFORE, for the reasons set forth above and in the accompanying memorandum of law, Plaintiffs' motion should be granted in its entirety.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
23rd day of December 2022.

Sincerely,



Heather Lewis Donnell

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2022, I filed the foregoing document using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Heather Lewis Donnell

Heather Lewis Donnell

One of Plaintiff's Attorneys